

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

ARREST ON OUT-OF-DISTRICT OFFENSE

FILED
2015 MAR 25 AM 9:30

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY 

Case Number: **'15 MJ8285**

The person charged as JUAN CARLOS MERCADO-MUNOZ now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the Central District of California with Illegal Alien Found in the United States Following Deportation, in violation of Title 8, United States Code, Section(s) 1326(a), (b)(2). The charging documents and the warrant of the arrest of the defendant which was issued by the above United States District Court are attached hereto.


I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: March 25, 2015


Cesar R. Raya
Immigration Enforcement Agent
Department of Homeland Security

Reviewed and Approved:

Dated: March 25, 2015


for KARLA DAVIS
Assistant United States Attorney

DOA 3/24/15

COPY


CENTRAL

DISTRICT OF

FILED
CALIFORNIA
2015 MAR 25 AM 9:30

UNITED STATES OF AMERICA

v.

WARRANT FOR ARREST
on Complaint BY CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CASE NUMBER:

15-0513M

JUAN CARLOS MERCADO MUNOZ,
aka "Carlos Mercado Ramirez,"
aka "Cesar Ramirez,"
aka "Juan Carlos Mercado,"
aka "Carlos Juan Mercado,"To: The United States Marshal or any
Authorized United States OfficerYOU ARE HEREBY COMMANDED to arrest JUAN CARLOS MERCADO MUNOZ, and bring him
forthwith to the nearest Judge/Magistrate to answer a complaint charging him
with Illegal Alien Found in the United States Following Deportation, in
violation of Title 8, United States Code, Sections 1326(a), (b)(2).REC: BY SAUSA Detention **TO BE DETERMINED
BY DUTY JUDGE**Date: March 23, 2015

FREDERICK F. MUMM

Name of Judge/Magistrate Judge

Frederick F. Mumm

Signature of Judge/Magistrate Judge

RETURN

This warrant was received and executed with the arrest of the above-named
defendant at 2051 N. Watorman Ave. EL Centro, CA 92243

DATE RECEIVED

NAME & TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

3/23/15

Cesar Raye



DATE OF ARREST

3/24/15

THE FOLLOWING IS FURNISHED FOR INFORMATION ONLY:

DEFENDANT'S NAME: _____

ALIAS: _____

LAST KNOWN RESIDENCE: _____

LAST KNOWN EMPLOYMENT: _____

PLACE OF BIRTH: _____

DATE OF BIRTH: _____

SOCIAL SECURITY NUMBER: _____

HEIGHT: _____ WEIGHT: _____

SEX: _____ RACE: _____

HAIR: _____ EYES: _____

SCARS, TATTOOS, OTHER DISTINGUISHING MARKS: _____

FBI NUMBER: _____

COMPLETE DESCRIPTION OF AUTO: _____

INVESTIGATIVE AGENCY AND ADDRESS: _____

CRIMINAL COMPLAINT

COPY

UNITED STATES DISTRICT COURT		CENTRAL DISTRICT OF CALIFORNIA	
UNITED STATES OF AMERICA v. JUAN CARLOS MERCADO MUNOZ, aka "Carlos Mercado Ramirez," aka "Cesar Ramirez," aka "Juan Carlos Mercado," aka "Carlos Juan Mercado,"		DOCKET NO.	FILED CLERK, U.S. DISTRICT COURT MAR 23 2015 CENTRAL DISTRICT OF CALIFORNIA
		MAGISTRATE'S CASE NO. 15-0513	
Complaint for violation of Title 8, United States Code, Sections 1326(a), (b)(2): Illegal Alien Found in the United States Following Deportation			
NAME OF MAGISTRATE JUDGE HONORABLE FREDERICK F. MUMM		UNITED STATES MAGISTRATE JUDGE	LOCATION Los Angeles, California
DATE OF OFFENSE February 5, 2014	PLACE OF OFFENSE Los Angeles County	ADDRESS OF ACCUSED (IF KNOWN)	
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION: On or about February 5, 2014, defendant JUAN CARLOS MERCADO MUNOZ, also known as ("aka") "Carlos Mercado Ramirez," aka "Cesar Ramirez," aka "Juan Carlos Mercado," aka "Carlos Juan Mercado," an alien, who had been officially deported and removed from the United States on or about April 20, 2005, May 1, 2007, May 5, 2007, and June 12, 2007, was found in Los Angeles County, within the Central District of California, after knowingly and voluntarily re-entering and remaining in the United States without having obtained permission from the Attorney General or his designated successor, the Secretary of Homeland Security, to reapply for admission to the United States following deportation and removal. At least one of defendant's previously alleged deportations and removals from the United States occurred subsequent to defendant's conviction for one or more of the following aggravated felonies: 1. Unlawful Driving or Taking of a Vehicle, in violation of California Vehicle Code Section 10851(a), on or about May 24, 2006, in the Superior Court of the State of California, County of Los Angeles, case number VA094899, a theft for which the term of imprisonment imposed was at least one year; and 2. Unlawful Concealment/Sell Stolen Property, in violation of California Penal Code Section 496d(a), on or about August 31, 2004, in the Superior Court of the State of California, County of Los Angeles, case number BA266818, a theft for which the term of imprisonment imposed was at least one year.			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED: (See attached affidavit which is incorporated as part of this Complaint)			
MATERIAL WITNESSES IN RELATION TO THIS CHARGE: N/A			
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINANT DENNIS ACKERMAN OFFICIAL TITLE Deportation Officer, ICE	
Sworn to before me and subscribed in my presence,			
SIGNATURE OF MAGISTRATE JUDGE ⁽¹⁾ Frederick F. Mumm		DATE March 23, 2015	

⁽¹⁾ See Federal Rules of Criminal Procedure 3 and 54

SAUSA DANIEL H. MALVIN

REC: Warrant

A F F I D A V I T

I, Dennis Ackerman, being duly sworn, do hereby depose and say:

1. I am a Deportation Officer ("DO") with the United States Department of Homeland Security ("DHS"), U.S. Immigration and Customs Enforcement ("ICE"), and I have been so employed since October 2005. I was previously employed between February 1995 and October 2005, with both ICE and the former Immigration and Naturalization Service ("INS") as a Detention Enforcement Officer and Immigration Enforcement Agent ("IEA"). I am currently assigned to the Bakersfield Field Office for Enforcement and Removal Operations.

2. This affidavit is made in support of a criminal complaint and arrest warrant against JUAN CARLOS MERCADO MUNOZ, also known as ("aka") "Carlos Mercado Ramirez," aka "Cesar Ramirez," aka "Juan Carlos Mercado," aka "Carlos Juan Mercado" ("MERCADO"), charging him with violating Title 8, United States Code, Sections 1326(a) and (b)(2), Illegal Alien Found in the United States Following Deportation. The facts set forth in this affidavit are based upon my personal observations, my training and experience, and information obtained from other law enforcement agents and witnesses. This affidavit is intended to show that there is probable cause for the requested complaint

and arrest warrant and does not purport to set forth all of my knowledge of, or investigation into, this matter.

3. On February 10, 2015, I reviewed the DHS A-File of MERCADO, a previously deported criminal alien, who is currently present in the United States and incarcerated at the Calipatria State Prison in Calipatria, California. Based on this review, I undertook the present investigation of MERCADO.

4. I determined, based on my review of documents contained in the DHS A-File and other documents, that MERCADO had previously been incarcerated at the North Kern State Prison in Delano, California.

5. Based on my training and experience, I know that a DHS "A-File" is a file in which all immigration records are maintained for aliens admitted to or found in the United States. I also know that a DHS A-File usually contains photographs, fingerprints, court records of conviction, and all records relating to deportation or other actions by DHS or INS with respect to the subject alien for whom the DHS A-File is maintained.

6. On February 10, 2015, I obtained and reviewed DHS A-File A70 174 132, which is maintained for the subject alien "Juan Carlos Mercado Munoz." The A-File contained the following documents and information:

a. Photographs of the subject alien to whom DHS A-File A70 174 132 corresponds. ICE IEA Armstrong confirmed these photographs matched the appearance of the subject he interviewed at the North Kern State Prison in Delano, California, on or about June 26, 2014. IEA Armstrong thus determined that DHS A-File A70 174 132 and its contents correspond to MERCADO.

b. A DHS Immigration Detainer (Form I-247) dated February 5, 2014. Based upon my review of that detainer, other documents in the A-File, and my training and experience, I am able to determine that DO Tu placed the detainer on MERCADO while MERCADO was in custody at the Los Angeles Police Department Metro Jail, following his arrest on Chop Shop Operation and Unlawful Vehicle Identification Number Activity charges. MERCADO was subsequently convicted (see paragraph 6f, below) and transferred into the custody of the California Department of Corrections and Rehabilitation.

c. Four executed Warrant of Removal/Deportation indicating that MERCADO was officially removed and deported from the United States on April 20, 2005; May 1, 2007; May 5, 2007; and June 12, 2007. I know from my training and experience that a Warrant of Removal/Deportation, or similar document, is executed each time a subject alien is removed and deported from the United States by ICE (and its predecessor agency, INS) and

usually contains the subject's photograph, signature, and/or fingerprint. The executed Warrants of Removal/Deportation in MERCADO's A-File contains his photograph, signature, and fingerprint.

d. A copy of a conviction record showing that on August 31, 2004, MERCADO was convicted, under the name "Juan Carlos Mercado," of Unlawful Concealment/Sell Stolen Property, in violation of California Penal Code Section 496d(a), in the Superior Court of the State of California, County of Los Angeles, case number BA266818. For this offense, MERCADO was sentenced to 1 year and 4 months' imprisonment.

e. A copy of a conviction record showing that on May 24, 2006, MERCADO was convicted, under the name "Carlos Mercado Ramirez," of Unlawful Driving or Taking of a Vehicle, in violation of California Vehicle Code Section 10851(a), in the Superior Court of the State of California, County of Los Angeles, case number VA094899. For this offense, MERCADO was sentenced to 2 years' imprisonment.

f. A copy of a conviction record showing that on April 15, 2014, MERCADO was convicted, under the name "Carlos Juan Mercado," of one count of Unlawful Vehicle Identification Number Activity, in violation of California Vehicle Code Section 10803(b), and one count of Chop Shop Operation, in violation of

California Vehicle Code Section 10801, in the Superior Court of the State of California, County of Los Angeles, case number BA409933. For each of these counts, MERCADO was sentenced to 1 year and 4 months' imprisonment, to run concurrently.

g. Various documents, in addition to the Warrant of Removal/Deportation, indicating MERCADO is a native and citizen of Mexico. These documents include: (i) An Order of the Immigration Judge, dated April 14, 2005, ordering MERCADO removed to Mexico; (ii) and Four Records of Sworn Statement, dated March 5, 2007; May 4, 2007; June 6, 2007; and June 26, 2014; indicating that MERCADO admitted that he was a native and citizen of Mexico.

7. On February 10, 2015, I reviewed the printouts of ICE computer indices. Based on my training and experience, I know that the ICE computer indices track and document each time an alien is deported from the United States by ICE, was deported by the former INS, or is granted permission to enter or re-enter the United States. The ICE computer indices confirmed that MERCADO had been removed and deported on the dates indicated on the four Warrants of Removal/Deportation found in MERCADO's DHS A-File. The ICE computer indices further indicated that MERCADO had not applied for, or obtained permission from, the Attorney General or his designated successor, the Secretary of Homeland

Security, to re-enter the United States legally since MERCADO had last been deported or removed.

8. Based on my review of MERCADO's DHS A-File, I determined that his A-File does not contain any record of his ever applying for, or receiving permission from, the Attorney General or his designated successor, the Secretary of Homeland Security, to legally re-enter the United States. Based on my training and experience, I know that such documentation is required to re-enter the United States legally after deportation, and that if such documentation existed, it would ordinarily be found in MERCADO's DHS A-File.

9. Based on the foregoing facts, there is probable cause to believe that Juan Carlos MERCADO-Munoz has violated Title 8, United States Code, Sections 1326(a) and (b)(2), Illegal Alien Found in the United States Following Deportation.

151
Dennis Ackerman
Deportation Officer - ICE

Subscribed and sworn to before me
on this 23rd day of March 2015.

Frederick F. Mumm
UNITED STATES MAGISTRATE JUDGE